

**Notice of Allowability**

Application No.

09/780,665

Examiner

Gary C. Vieaux

Applicant(s)

FISHER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/7/2006.
2. ☒ The allowed claim(s) is/are 6, 7, 9, 26, 27, 29, 48, and 49 (now formally renumbered as claims 1-8, respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## **EXAMINER'S REASONS FOR ALLOWANCE**

### ***Amendment***

The Amendment After Final, filed June 7, 2006, has been received and made of record. In response to the Final Office Action, dated April 6, 2006, claims 1-5, 10-25, 28, 30-47 have been cancelled. Claims 6, 9, 26, 29, 48, and 49 have been amended. Claims 7 and 27 were previously indicated allowable.

### ***Response to Arguments***

Applicant's arguments with respect to the rejections of claims 6, 7, 9, 26, 27, 29, 48, and 49 have been fully considered and are persuasive, based on their status as previously objected to claims that have been rewritten in independent form, including all of the limitations of the base claims and any intervening claims.

### ***Allowable Subject Matter***

**Claims 6, 7, 9, 26, 27, 29, 48 and 49** are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 6 and 26, the prior art is not found to teach or fairly suggest, in combination with the existing elements of the present claim as currently amended, a system for creating a still image of a target object by utilizing a video camera comprising a support device configured to transport said video camera across said target object during a scanning procedure to capture a contiguous frame sequence of video data

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corresponding to said target object, and a scanning manager coupled to said video camera for analyzing scan motion data from said scanning procedure, and responsively extracting still frames from said contiguous frame sequence at a selectable time interval to represent said target object as said still image, said selectable time interval being greater than a standard video frame duration from said contiguous frame sequence, said support device including a cradle that is initially positioned at a starting index of a scan track to allow said video camera to frame said target object using a focus mechanism and a zoom mechanism, a system user entering scan parameters into said video camera for performing said scanning procedure, said scan parameters including a scan speed control, a scan direction control, a still frame time interval control, a scan overlap control, and a scan resolution control.

Regarding claims 7 and 27, the prior art is not found to teach or fairly suggest, in combination with the existing elements of the present claim as currently amended, creating a still image of a target object by utilizing a video camera comprising

a support device configured to transport said video camera across said target object during a scanning procedure to capture a contiguous frame sequence of video data corresponding to said target object, said support device including a cradle that is initially positioned at a starting index of a scan track to allow said video camera to frame said target object using at least one of a focus mechanism and a zoom mechanism, a system user entering scan parameters into said video camera for performing said scanning procedure, said scan parameters including at least one of a scan speed control, a scan direction control, a still frame time interval control, a scan overlap

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control, and a scan resolution control, and a scanning manager coupled to said video camera for analyzing scan motion data from said scanning procedure, and responsively extracting still frames from said contiguous frame sequence at a selectable time interval to represent said target object as said still image, said video camera generating an error warning on a user interface when said system user enters an invalid scan parameter, said invalid scan parameter including a negative overlap setting which would cause said still images to be aligned in excess of a minimum adjacent still image overlap value.

Regarding claims 9 and 29, the prior art is not found to teach or fairly suggest, in combination with the existing elements of the present claim as currently amended, creating a still image of a target object by utilizing a video camera comprising a support device configured to transport said video camera across said target object during a scanning procedure to capture a contiguous frame sequence of video data corresponding to said target object, and a scanning manager coupled to said video camera for analyzing scan motion data from said scanning procedure, and responsively extracting still frames from said contiguous frame sequence at a selectable time interval to represent said target object as said still image, said selectable time interval being greater than a standard video frame duration from said contiguous frame sequence, said support device including a cradle that is initially positioned at a starting index of a scan track to allow said video camera to frame said target object using a focus mechanism and a zoom mechanism, said cradle beginning to travel along said scan track during said scanning procedure, said video camera responsively beginning to capture and store said video data that corresponds to said target object, a display

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manager in said video camera displaying an active scan mode indicator on a user interface of said video camera during said scanning procedure, said active scan mode indicator displaying user settings for said scan parameters including a scan speed, a scan direction, and said selectable time interval.

Regarding claim 48, the prior art is not found to teach or fairly suggest, in combination with the existing elements of the present claim as currently amended, a method for creating a still image of a target object by utilizing a video camera comprising transporting said video camera across said target object with a support device during a scanning procedure to capture a contiguous frame sequence of video data corresponding to said target object, analyzing scan motion data from said scanning procedure with a scanning manager, and extracting still frames from said contiguous frame sequence at a selectable time interval to represent said target object as said still image, said selectable time interval being greater than a standard video frame from said contiguous frame sequence, a system user reducing said selectable time interval to create a greater overlap region and produce greater resolution characteristics in said still image.

Regarding claim 49, the prior art is not found to teach or fairly suggest, in combination with the existing elements of the present claim as currently amended, a method for creating a still image of a target object by utilizing a video camera comprising transporting said video camera across said target object with a support device during a scanning procedure to capture a contiguous frame sequence of video data corresponding to said target object, analyzing scan motion data from said scanning

procedure with a scanning manager, and extracting still frames from said contiguous frame sequence at a selectable time interval to represent said target object as said still image, said selectable time interval being greater than a standard video frame from said contiguous frame sequence, a system user increasing said selectable time interval to create a smaller overlap region and require less processing to produce said still image.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Vieaux whose telephone number is 571-272-7318. The examiner can normally be reached on Monday - Friday, 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen T. Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gary C. Vieaux  
Examiner  
Art Unit 2622

Gcv2

  
TUAN HO  
PRIMARY EXAMINER